

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

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## PCT

### NOTIFICATION OF TRANSMITTAL OF INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

(PCT Rule 71.1)

Date of mailing

(day/month/year)

15.05.2006

Applicant's or agent's file reference  
347162 D21873

#### IMPORTANT NOTIFICATION

International application No.  
PCT/FR2005/000166

International filing date (day/month/year)  
26.01.2005

Priority date (day/month/year)  
27.01.2004

Applicant  
IINSTITUT PHYTOCEUTIC

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary report on patentability and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

#### 4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the *PCT Applicant's Guide*.

The Applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purpose of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purpose of deciding whether, in that State, the claimed invention is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

#### Name and mailing address of the IPEA



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# PATENT COOPERATION TREATY

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### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY



(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference	<b>FOR FURTHER ACTION</b> See Form PCT/IPEA/416	
International application No. PCT/FR2005/000166	International filing date (day/month/year) 26.01.2005	Priority date (day/month/year) 27.01.2004
International Patent Classification (IPC) or national classification and IPC INV. A61K31/522 A61K31/201 A61P3/00		
Applicant INSTITUT PHYTOCEUTIC		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
  - a. ☒ (sent to the applicant and to the International Bureau) a total of 1 sheets, as follows:
    - ☒ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of Administrative Instructions).
    - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
  - b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) #, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:
  - ☒ Box No. I Basis of the report
  - ☐ Box No. II Priority
  - ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
  - ☐ Box No. IV Lack of unity of invention
  - ☒ Box No. V Reasoned statement according to Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
  - ☐ Box No. VI Certain documents cited
  - ☐ Box No. VII Certain defects in the international application
  - ☐ Box No. VIII Certain observations on the international application

Date of submission of the demand 01.02.2006	Date of completion of this report 15.05.2006
Name and mailing address of the IPEA/  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Netherlands Tel. +31 70 340 - 2040, Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized officer Leherte, C Telephone No. +31 70 340-2748 

10/587441

INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT

AP20 Rec'd PCT/PTO 26 JUL 2006

International application No. PCT/FR2005/000166

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

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1. Statement

Novelty	Yes: Claims	1- 12
	No: Claims	
Inventive Step	Yes: Claims	1 - 12
	No: Claims	
Industrial Applicability	Yes: Claims	1 - 12
	No: Claims	

2. Citations and explanations

See separate sheet

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INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY  
(SEPARATE SHEET)

International application No.  
PCT2FR2005/000166

AP20 Rec'd PCT/PTO 26 JUL 2006

**As regards point I**

The new claims 1, 2 and 5 filed with the letter of 01.02.2006 are considered admissible with respect to Article 34(2)(b) PCT.

**As regards point V**

**Reasoned statement according to Rule 66.2(a)(ii) as to the novelty, the inventive step and the possibility of industrial application; citations and explanations in support of this statement**

**NOVELTY AND INVENTIVE STEP (Art. 33(2) PCT)**

The subject matter of claims 1-12 of the present application may be considered as novel (Article 33(2) PCT) for the following reasons:

No prior art document discloses the combination of conjugated linoleic acid with caffeine with a mass ratio (conjugated linoleic acid/caffeine) of between 1 and 12.

As the applicant additionally demonstrates a synergistic effect on weight loss of the conjugated linoleic acid/caffeine combination, compared with coffee alone or linoleic acid alone, the subject matter of claims 1-12 is also considered as being inventive for the purposes of Article 33(3) PCT.

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